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OLC 78-2188/1

16 June 1978

MFR

MEMORANDUM FOR:

[Redacted]

NFAC/CSS

FROM:

[Redacted]

Assistant Legislative Counsel

SUBJECT:

H. R. 9998, the "Ocean Shipping Act of 1978"

1. The attached bill now before the House Committee on Merchant Marine and Fisheries concerns control of shipping rates by "controlled carriers," which according to the provisions of section 2 on page 6 include foreign flag carriers. Generally we would not be concerned about this sort of legislation. Please note, however, on page 8, paragraph (3) would authorize the Federal Maritime Commission to obtain from any Government agency other than IRS any "data relating to the cost of performing ocean transportation." The Commission would be able to obtain access to this information "notwithstanding any other provision of law."

2. The question that comes to my mind is, do we, in particular NFAC, maintain or analyze the sort of information relating to "ocean transportation" in the broadest sense such that the Federal Maritime Commission, under this legislation, could demand access to our files and other material? I would appreciate it if you could check on this matter or refer the question to the appropriate NFAC component or officer, and let me know.

3. The Director received today a formal request asking if this bill would alter existing statutory authority regarding access to documents under the control of the CIA. We have been given a suspense date of 20 June, as the bill is scheduled to be marked up by the House Committee on 22 June. Therefore, I would appreciate your comments by COB Monday, 19 June. Sorry for the short deadline.

[Redacted]

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